

### **REMARKS**

In the Office Action, the Examiner rejected claims 10-13, 15, 16, 22, 25-28, and 30-48. By the present Response, Applicants amended claims 10, 13, 15, 31, 32, 34-36, 39-41, and 45-47, canceled claims 22, 25-28, 30, 33, 37, 38, 44, and 48 without prejudice, and added new claims 49-69. With regard to new claims 49-69, Applicants respectfully assert that these new claims contain no new matter. In summary, claims 10-13, 15, 31, 32, 34-36, 39-43, 45-47, and 49-69 remain pending in the present patent application. In light of the foregoing amendments to the claims and in light of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

#### **Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 10-13, 15-16, 22, 25-28, 30, and 31-48 under 35 U.S.C. § 103(a) as obvious in view of the Gill et al. reference (U.S. Patent No. 5,388,032). However, Applicants respectfully assert that the instant claims, as pending, are patentable over the Gill reference, because the instant claims recite features not found in or suggested by the Gill reference. Accordingly, Applicants respectfully request allowance of the pending claims.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. at 735. To establish a *prima facie* case, the Examiner must show that the reference or modification of the reference includes *all* of the claimed elements and must present a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Furthermore, the Examiner must not distill an invention down to its "gist" or "thrust," rather the subject matter of a claim must be analyzed as a whole. *See W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983). Indeed, the Examiner must provide *objective evidence*, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited reference(s). *See In re Lee*,

61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). The mere fact a reference *can* be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. *See In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990).

Furthermore, when a prior art reference requires a modification to render obvious a subsequent invention, there must be some reason for the modification other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the modification. *See Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). Indeed, the Federal Circuit has warned that the Examiner must not, “fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.” *In re Dembiczak*, F.3d 994, 999, 50 U.S.P.Q.2d 52 (Fed. Cir. 1999) (quoting *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)). Avoiding hindsight reconstruction is especially important regarding less technologically complex inventions, where the very ease with which the invention can be understood may prompt one employ such hindsight. *See id.* With the foregoing in mind, Applicants respectfully assert that the cited Gill reference does not render obvious the instant claims.

#### **Independent Claim 10 and the Claims Depending Therefrom**

Amended independent claim 10 recites,

A retractable module system, comprising:

a rack-mountable chassis;

a processor *housed* in the *rack-mountable chassis*;

a display assembly *housed* in the *rack-mountable chassis*; and

a pivot assembly configured to *pivotably couple* the display assembly to the rack-mountable chassis, wherein the pivot assembly is *slidably engaged* with at least one of the rack-mountable chassis and the display assembly such that the display assembly is positionable between a retracted position and a display position with respect to the rack-mountable chassis.

(Emphasis added.) As discussed further below, Applicants respectfully assert that the Gill reference does not disclose all of the features recited in amended independent claim 10. In

summary, the Gill reference does not disclose a processor and display assembly *housed in a rack-mountable chassis*, as recited in the instant claim. Moreover, the Gill reference does not disclose a pivot assembly *slidably engaged* with at least one of the rack-mountable chassis and the display assembly, as recited in the instant claim.

The Gill reference discloses a monitoring unit 100 including a keyboard 102 and a display screen 104 that are housed in a storage drawer 106—not a rack mountable chassis having a processor. *See Gill*, col. 6, ll. 39-41. The monitoring unit 100 communicates with a bank of computers (e.g., computers 332-350 and 182), which are separately stored in the rack 354. *See Gill*, col. 28, ll. 4-6; Fig. 12. In the Gill reference, each computer is stored in its own housing and has its own microprocessor 210, which communicates with the monitoring unit 100. *See id.*, col. 20, ll. 13-16. However, the monitoring unit 100, itself, does not include a processor. Rather, the monitoring unit 100 of the Gill reference functions only as a *display* for information received from the *separately housed computers* (e.g., 332-350 and 182) within the rack 354. *See id.*, col. 19, ll. 22-24. Moreover, the monitoring unit 100 of the Gill reference mounts to the rack via the self-contained storage drawer 106. Thus, the Gill reference does not disclose a processor and a positionable display assembly that are housed in the *same rack-mountable chassis*, as recited in the instant claim.

Additionally, the Gill reference teaches that the display assembly and screen 104 pivot about pivot points 146 and 148. *See id.*, col. 9, ll. 30-35; Fig. 5. Although the display screen pivots 104 with respect to the storage drawer 106, neither the display screen 104 nor the pivot points 146 and 148 *slidably engages* with respect to the drawer 106. Rather, the pivots points 146 and 148 are *fixed* with respect to the storage drawer 106, which houses the display 104, and with respect to the display screen 104 itself. Accordingly, the Gill reference does not disclose a pivot assembly that is *slidably engaged* with at least one of the rack-mountable chassis and the display assembly, as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a Section 103 rejection of the instant claim, because the Gill reference fails to disclose a number of features recited in the instant claim. However, prior to

concluding, Applicants address a number of patentable features recited in the claims depending from claim 10.

For example, dependent claim 11 recites, *inter alia*, “a spring coupled to the pivot assembly and configured to *bias the display assembly to the retracted position.*” In contrast to this claim, the Gill reference teaches that the “pivot points 146, 148 are made of plastic material which provides sufficient friction between the display housing 130 and the storage drawer 106 to *maintain* the display housing 130 in the rotated position it is rotated to by the operator.” Gill, col. 10, ll. 10-14 (emphasis added). Moreover, the Gill reference states that “the pivot points 146, 148 *ensure* that the display housing 130 *will be maintained* in the position it is rotated to during use by the human operator.” *Id.*, col. 10, ll. 24-27 (emphasis added). Accordingly, the Gill reference teaches a pivot assembly having a construction expressly antithetical to the spring recited in dependent claim 11.

Therefore, Applicants respectfully assert that independent claim 10 and its respective dependent claims 11-13, 35, 36, and 40-43 are patentable over the Gill reference, because the Gill reference fails to disclose or suggest all of the features recited in the instant claims. Moreover, Applicants respectfully assert that dependent claims 11-13, 35, 36, and 40-43 are patentable over the Gill reference not only for their dependencies on an allowable base claim, but also by virtue of the additional features recited therein. Thus, Applicants respectfully request reconsideration and allowance of the instant claims.

#### **Independent Claim 15 and the Claims Depending Therefrom**

Amended independent claim 15 recites,

A system for facilitating the display of information related to a specific device, comprising:

a processor-based device;

an information display module configured to display information pertaining to the processor-based device on a display surface; and

a pivot assembly configured to couple the information display module to the processor-based device, wherein the information display module is

positionable between a *retracted position and a display position*, such that the retracted position locates the display surface *generally perpendicular to a storage medium receiving aperture* of the processor-based device and the display position locates the *display surface generally parallel to the storage medium receiving aperture* of the processor-based device.

(Emphasis added). As demonstrated below, the Gill reference does not disclose all of the features recited in independent claim 15. In summary, the Gill reference does not disclose a storage medium receiving aperture, let alone a display module positionable between *parallel* and *perpendicular* locations with respect to the storage medium receiving aperture recited in the instant claim.

As discussed above, the Gill reference discloses a storage drawer 106 that houses a display assembly 130. *See Gill*, col. 6, ll. 40-45. Although the Gill reference discloses a pivotable display assembly 130, the Gill reference fails to disclose any semblance of a storage medium receiving aperture as recited in the instant claim. In other words, it is nothing more than pure conjecture to assume that the Gill reference discloses a storage medium receiving aperture, let alone a display module that is positionable with respect to the storage medium aperture, as recited in the instant claim. At best, any such assertion would be the result of *impermissible hindsight reconstruction* in which the teachings of the present application provides the roadmap through which the proposed modification is reached.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a Section 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that independent claim 15 and its respective dependent claims 45-47 are patentable and in condition for allowance. Accordingly, Applicants respectfully request reconsideration and allowance of the instant claims.

#### **Independent Claim 31 and the Claims Depending Therefrom**

Amended independent claim 31 recites,

A display device for use in a server unit having a rack-mountable chassis and a processor housed in the chassis, comprising:

a first portion having an electronic display surface; and

*a second portion coupleable to the rack-mountable chassis* and secured to the first portion via a pivot assembly, wherein the pivot assembly is *slidably engaged* to at least one of the first and second portions such that the first portion is positionable between retracted and display configurations with respect to the rack-mountable chassis.

(Emphasis added). As demonstrated below, the Gill reference does not disclose all of the features recited in independent claim 31. In summary, the Gill reference does not disclose a pivot assembly *slidably engaged* with a first portion having an electronic display surface and/or a second portion coupleable to a rack-mountable chassis, as recited in the instant claim.

As discussed above, the Gill reference teaches that the display assembly and screen 104 pivot about pivot points 146 and 148. *See id.*, col. 9, ll. 30-35; Fig. 5. Although the display screen pivots 104 with respect to the storage drawer 106, neither the display screen 104 nor the pivot points 146 and 148 *slidably engages* with respect to the drawer 106. Rather, the pivot points 146 and 148 are *fixed* with respect to the storage drawer 106, which houses the display 104, and the display screen 104 itself. Accordingly, the Gill reference does not disclose a pivot assembly that is *slidably engaged* with another structure, let alone the first and second portions as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a Section 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that independent claim 31 and its respective dependent claims 32, 34 and 39 are patentable and in condition for allowance. Accordingly, Applicants respectfully request reconsideration and allowance of the instant claims.

**New Independent Claim 49 and the New Claims Depending Therefrom.**

In the interest of expediting prosecution, Applicants address below the substance of the Gill reference as applied to new claims 49-53. As demonstrated below, the instant claims are patentable over the Gill reference, because the Gill reference does not disclose or suggest all of the features recited in the instant claims.

New independent claim 49 recites, *inter alia*,

at least one server unit disposed in the rack, the at least one server unit comprising:

*a chassis mounted to the rack;*  
*a processor housed in the chassis; and*  
*a display assembly, comprising:*

*a mounting structure secured to the chassis;*  
*a display structure having a display surface configured to display information pertaining to the at least one server unit; and*  
*a pivot structure pivotably secured to the display structure and slidably engaged with the mounting structure, such that the display structure is positionable between a display configuration and retracted configuration with respect to the chassis, wherein the display configuration locates the display surface generally parallel to a front of the server unit and the retracted configuration locates the display surface generally perpendicular to the front of the server unit.*

(Emphasis added). In summary, the Gill reference does not disclose a processor *housed in* and a display assembly *secured to* a chassis mounted to a rack, as recited in the instant claim. Moreover, the Gill reference does not disclose a pivot structure *slidably engaged* with a mounting structure of the display assembly, as recited in the instant claim.

As discussed above, the Gill reference discloses a monitoring unit 100 including a keyboard 102 and a display screen 104 that are housed in a storage drawer 106—not a chassis having a processor. *See Gill*, col. 6, ll. 39-41. The display screen is rotatably connected to the storage drawer 106 by pivot points 146 and 148. *See id.*, col. 6, ll. 42-44. The monitoring unit 100 communicates with a bank of computers (e.g., computers 332-350 and 182), which are separately stored in the rack 354. *See Gill*, col. 28, ll. 4-6; Fig. 12. Each computer in the bank is housed in its own structure and comprises its own microprocessor 210 that communicates with the monitoring unit 100. *See id.*, col. 20, ll. 13-16. However, the monitoring unit 100, itself, does not include a processor. Rather, the monitoring unit 100 of Gill acts only as *a display* for information received from the *separately housed computers* (e.g., 332-350 and 182) within the rack 354. *See id.*, col. 19, ll. 22-24. Indeed, the monitoring unit 100 of the Gill reference mounts to the rack via the self-contained storage drawer 106. Thus, the Gill reference does not disclose a processor housed in a chassis and a display assembly having a mounting structure secured to the same chassis, as recited in the instant claim.

Additionally, the Gill reference teaches that the display assembly and screen 104 pivot about pivot points 146 and 148. *See id.*, col. 9, ll. 30-35; Fig. 5. Although the display screen pivots 104 with respect to the storage drawer, neither the display screen 104 nor the pivot points 146 and 148 *slidably engages* with respect to the drawer 106. Rather, the pivot points 146 and 148 are *fixed* with respect to the storage drawer 106, which houses the display 104, and the display screen 104 itself. Accordingly, the Gill reference does not disclose a pivot structure that is *slidably engaged* with at least one of the rack-mountable chassis and the display assembly, as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a valid Section 102 or 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that the new independent claim 49 and its respective dependent claims 50-55 are patentable and in condition for allowance. Accordingly, Applicants respectfully request allowance of the instant claims.

**New Independent Claim 56 and the Claims Depending Therefrom**

Additionally, Applicants address below the substance of the Gill reference as applied to new claims 56-59. As demonstrated below, the instant claims are patentable over the Gill reference, because the Gill reference does not disclose or suggest all of the features recited in the instant claims.

New independent claim 56 recites,

A computing system, comprising:  
a chassis *fixedly secured* with respect to a support structure; and  
a display device *pivotably and slideably secured* to the chassis such  
that the display device is selectively positionable between a display  
configuration and a retracted configuration.

(Emphasis added). In summary, the Gill reference does not disclose a chassis *fixedly secured* to a support structure, as recited in the instant claim.



The Gill reference discloses display device 104 disposed in a drawer 106. However, the drawer 106 is *slideable* with respect to the equipment rack it is mounted in. *See* Gill, Figs. 3 and 4; col. 8, ll. 26-36. More particularly, the storage drawer 106 includes telescoping rails 119 that facilitate *slideable* mounting of the drawer 106 to the equipment rack. Accordingly, the storage drawer 106 is not *fixedly secured* to a support structure, as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a valid Section 102 or 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that the new independent claim 49 and its respective dependent claims 50-55 are patentable and in condition for allowance. Accordingly, Applicants respectfully request allowance of the instant claims.

#### **New Independent Claim 60 and the Claims Depending Therefrom**

Furthermore, Applicants address below the substance of the Gill reference as applied to new claims 60-65. As demonstrated below, the instant claims are patentable over the Gill reference, because the Gill reference does not disclose or suggest all of the features recited in the instant claims.

New independent claim 60 recites,

An electronic device, comprising:  
a chassis having a front side, a back side, a top side, a bottom side, a left side, and a right side; and  
a display surface coupled to the chassis and positionable between a display configuration and a retracted configuration, such that the display surface is generally *parallel* to the *front* side in the display configuration and generally *parallel* to at least one of the *left* and *right* sides in the retracted configuration.

(Emphasis added). In summary, the Gill reference does not disclose or suggest a display surface that is positionable generally *parallel* to the *front side* in the display configuration and generally *parallel* to at least one of the *left and right sides* in the retracted configurations, as recited in the instant claim.

As discussed above, the Gill reference discloses a display device 104 disposed in a drawer 106. When the display device 104 of Gill is in its retracted position (as illustrated in Fig. 1 of the Gill reference), the display device 104 is disposed *parallel* to the bottom side storage drawer 106. *See* Gill Fig. 1. Indeed, to telescopically retract the storage drawer 106 into the equipment rack, the display device 104 must rest flushly against the bottom surface 115 of the display compartment 114 and, as such, must be disposed *parallel* to the bottom side of the storage drawer 106. Accordingly, when in the retracted configuration the display 104 is *perpendicular* to the vertical side walls of the storage drawer 106, which are, of course, perpendicular to the bottom of the storage drawer 106. Thus, the Gill reference does not disclose or suggest a display surface that is generally *parallel* to at least one of the left and right sides when in the retracted configuration, as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a valid Section 102 or 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that the new independent claim 60 and its respective dependent claims 61-65 are patentable and in condition for allowance. Accordingly, Applicants respectfully request allowance of the instant claims.

#### **Independent Claim 66 and the Claims Depending Therefrom**

Lastly, Applicants address below the substance of the Gill reference as applied to new claims 66-69. As demonstrated below, the instant claims are patentable over the Gill reference, because the Gill reference does not disclose or suggest all of the features recited in the instant claims.

New independent claim 66 recites,

An electronic device, comprising:

a chassis securable to a support structure, the chassis having a top side, a bottom side, a left side, a right side, a front side, and a back side; and

a display device coupled to the chassis and positionable between retracted and display configurations, wherein the display device is wholly disposed *between* the *top and bottom* sides of the chassis when in the *display* configuration and in the *retracted* configuration.

(Emphasis added). In summary, the Gill reference does not disclose or suggest a display device that is disposed *between the top and bottom sides* of a chassis when in the display and retracted configurations.

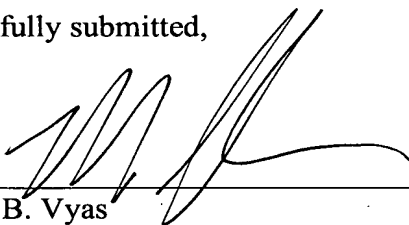
As discussed above, the Gill reference discloses a display device 104 that is disposed in a storage drawer 106. When in the closed configuration, as illustrated in Fig. 1 of the Gill reference, the display device rests flushly against a bottom surface 115 of the display compartment of the storage drawer 106. *See Gill, Figs 1 and 3, col. 7, ll. 34-46.* However, when in the open configuration, the display 104 of Gill extends well beyond the *top surface* 111 of the display compartment of the storage drawer 106. Accordingly, the Gill reference does not disclose or suggest a display device that is disposed between the top and bottom sides of a chassis when in the display and retracted configurations, as recited in the instant claim.

With the foregoing in mind, Applicants respectfully assert that the Gill reference does not provide adequate support for a valid Section 102 or 103 rejection of the instant claim, because the Gill reference fails to disclose or suggest a number of features recited in the instant claim. Therefore, Applicants respectfully assert that the new independent claim 66 and its respective dependent claims 67-69 are patentable and in condition for allowance. Accordingly, Applicants respectfully request allowance of the instant claims.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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